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REMARKS**I. INTRODUCTION**

Claims 14, 21, 22, 24, 26, and 33 have been amended. Claims 34-37 have been added. Claims 1-13 have been previously canceled. Thus, claims 14-37 are pending in the present application. No new matter has been added. In view of the above amendments and following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 112(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 21-23 were rejected under 35 U.S.C. § 103(a), second paragraph, as depending from a previously cancelled claim. (See 08/03/04 Office Action, p. 3, ¶ 2). Applicant submitted a previous amendment correcting the dependence of these claims. However, that amendment was not entered by the Examiner. Thus, the applicant represents the amendments to correct the dependence of these claims to depend from pending claim 14. Thus, the rejection of these claims under 35 U.S.C. § 103(a), second paragraph, should be withdrawn.

III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 14-17, 21-28, and 32-33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,389,056 to Kanterakis et al. ("Kanterakis") in view of U.S. Patent No. 6,400,752 to Suzuki et al. ("Suzuki"). (See 08/03/04 Office Action, p. 3, ¶ 3).

Kanterakis relates to an improvement to code-division-multiple-access ("CDMA") system employing spread-spectrum modulation. (See Kanterakis, Abstract).

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Specifically, Kanterakis describes a system for transmitting packets from a remote station to a base station via an uplink transport channel without the need to obtain a two-way link with the base station. (*See Id.*, col. 2, ll. 56-63). The base station, acting as an initiator for establishing the data link with the remote station, first transmits a common-synchronization channel which is common to a plurality of remote stations communicating with the base station. (*See Id.*, col. 5, ll. 45-50). In response to the transmission from the base station, one of the remote stations transmits an access-burst signal. (*See Id.*, col. 5, ll. 58-67). The base station receives the access-burst signal and transmits an acknowledgement signal ("ACK signal") in response, wherein the ACK signal is only sent when access-burst signal has sufficient power level detected by the base station. (*See Id.*, col. 6, ll. 36-46). Finally, the remote station receives the ACK signal and transmits a spread-spectrum signal having data to the base station. (*See Id.*, col. 6, ll. 53-60). Thus, the system according to Kanterakis describes the base station as the initiator of the data link between the base station and the remote station. Furthermore, the remote station of the Kanterakis system performs a first transmission of an access-burst signal only in response to the initial transmission of the common-synchronization channel from the base station, and then performs a second transmission of a spread-spectrum signal only in response to the acknowledgement signal.

Suzuki relates to a wireless network communication system and method in which the wireless channel can be determined by selecting a vacant pseudonoise ("PN") or spreading code. (*See Suzuki*, Abstract). First, a host terminal detects PN codes being used as a wireless channel by a group. (*See Id.*, col. 18, ll. 46-55). The host terminal next selects one of the PN codes not used by another group, and assigns this PN code for use by its own group and

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transmits this information to terminals of its own group. (*See Id.*). The PN code to be employed in the group is then confirmed by members of the group. (*See Id.*).

In contrast to both Kanterakis and Suzuki, the present invention describes and claims the terminal as the initiator by first transmitting a signaling sequence as an indication of a wish to use one of the contention channels. (*See Specification*, p. 5, ll. 33-34). In addition, the present invention discloses and claims a base station that is operable to broadcast a provision message upon receiving the signaling sequence, "the provision message indicating at least one of the contention channels available to the terminal" as recited in claim 14. (*See also Specification*, p.6, ll. 20-30).

The Examiner attempts to equate the claimed provision message to the ACK signal of Kanterakis. (*See 08/03/04 Office Action*, p. 4, ¶ 3). However, the ACK signal of Kanterakis does not serve an equivalent function of the provision message. Namely, the ACK signal does not indicate one or more of the contention channels available to a terminal.

It is respectfully submitted that disclosure of Kanterakis and the disclosure of Suzuki fail to teach or suggest, either alone or in combination, each of the claim limitations recited in claim 14. Specifically, neither Kanterakis nor Suzuki teach or suggest a "*the provision message indicating at least one of the contention channels available to the terminal.*"

Applicant respectfully submits that for at least the reasons stated above, claim 14 of the present application is not obvious over Kanterakis in view of Suzuki, and request that the rejection of this claim be withdrawn. As claims 15-17, and 21-23 depend from, and therefore include all the limitations of claim 14, it is hereby submitted that these claims are also allowable.

The Examiner rejected claim 24 for the same reasons as the rejection of claim 14 over Kanterakis in view of Suzuki. (*See 08/03/04 Office Action*, p. 3, ¶ 3). Claim 24 recites "*the*

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provision message indicating at least one of the contention channels available to the terminal."

Therefore, Applicant respectfully submits that claim 24 is allowable for at least the reasons discussed above with regard to claim 14. As claim 25 depends from, and therefore includes all the limitations of claim 24, it is hereby submitted that claim 25 is also allowable.

The Examiner rejected claim 26 for the same reasons as the rejection of claim 14 over Kanterakis in view of Suzuki. (See 08/03/04 Office Action, p. 3, ¶ 3). Claim 26 recites "*the provision message indicating at least one of the contention channels available to the terminal."*

Therefore, Applicant respectfully submits that claim 26 is allowable for at least the reasons discussed above with regard to claim 14. As claims 27, 28, and 32 depend from, and therefore include all the limitations of claim 26, it is hereby submitted that these claims are also allowable.

The Examiner rejected claim 33 for the same reasons as the rejection of claim 14 over Kanterakis in view of Suzuki. (See 08/03/04 Office Action, p. 3, ¶ 3). Claim 33 recites "*the provision message indicating at least one of the contention channels available to the terminal."* Therefore, Applicant respectfully submits that claim 33 is allowable for at least the reasons discussed above with regard to claim 14.

Claims 18-20, and 29-31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kanterakis in view of Suzuki in further view of U.S. Patent No. 6,621,807 to Jung et al. ("Jung"). (See 08/03/04 Office Action, p. 7, ¶ 4).

As discussed above, neither Kanterakis nor Suzuki, alone or in combination, teach or suggest all the limitations of independent claims 14 and 26. It is respectfully submitted that Jung is insufficient to cure the above-stated deficiencies of Kanterakis and Suzuki. Because claims 18-20 depend from, and, therefore include all the limitations of claim 14, it is respectfully submitted that these claims are allowable for the reasons stated above with reference to claim 14.

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Because claims 29-31 depend from, and, therefore include all the limitations of claim 26, it is respectfully submitted that these claims are allowable for the reasons stated above with reference to claim 26.

IV. NEW CLAIMS

Applicant has added new claims 34-37. None of the cited prior art teaches or suggests the recitations of the newly added claims. Thus, applicant respectfully submits that these claims are allowable.

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CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

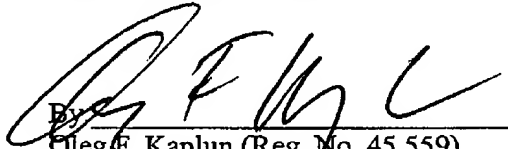
Please direct all future correspondence to:

Larry Liberchuk
Senior IP Counsel

Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9602
Fax: (914) 332-0615
Email: larry.liberchuk@philips.com

Respectfully submitted,

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By: _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038